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7 Attorneys for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF HAWAII**

10 NEDA NAHAS, }  
11 Plaintiff, }  
12 vs. }  
13 CONTINENTAL CASUALTY CO., }  
14 Defendants } Case No. 03-00478 HG

15 **AFFIDAVIT OF COUNSEL**

16 STATE OF ALASKA )  
17 FIRST JUDICIAL DISTRICT ) ss.  
18 )

19 MARK CHOATE, being duly sworn upon oath, deposes and states:

20 1. I am counsel of record for the plaintiff in this matter and make this Affidavit in  
21 support of plaintiff's Application to Maintain Jurisdiction/Reopen Matter.  
22 2. Exhibits A-H are copies of documents kept in the regular course of business by  
23 my office.  
24 3. On April 17, 2006, discovery was promulgated to Continental. On May 22,  
25 2006, Continental responded to those discovery requests identifying as the sole  
26 response to each request, the "Claims File". That file was not provided to

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28 *Nahas, Neda v. Continental Insurance (09/18/2002) [22673].*  
AFFIDAVIT OF COUNSEL  
03-00478 HG

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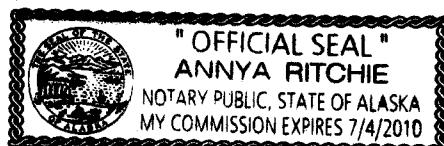
counsel with the discovery response. Rather, the response indicated that it “would be produced”. My office waited for the file and when it did not arrive by late July, in early August my office employed a service in Honolulu to physically pick up the file, scan and deliver the file digitally to us. Review of the claims file has confirmed the absolute need to depose both Chemonics and Continental/Hartford personnel.

4. On August 9, 2006, I faxed a letter to defense counsel proposing dates for depositions of Chemonics and Continental/Hartford personnel in October. [Exhibit G] To date, there has been no response to that request from defense counsel.

## FURTHER, AFFIANT SAYETH NAUGHT.

MARK CHOATE

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of August, 2006.



Notary Public in and for Alaska.  
My Commission Expires: 7/4/10

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*Nahas, Neda v. Continental Insurance (09/18/2002) [22673]*

**AFFIDAVIT OF COUNSEL**

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1 **PROOF OF SERVICE**

## 2 STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

3 I am employed in the City and Borough of Juneau, State of Alaska.. I am over the age of  
4 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau,  
AK 99801.5 On August 22, 2006, I served the foregoing document described as AFFIDAVIT OF  
6 COUNSEL, on the interested parties in this action by serving the original true copies, addressed  
as follows:7 John Lacy, Esq.  
8 Randolph Baldemor  
9 Goodsill, Anderson, Quinn & Stifel,  
Attorney For: CAN  
10 Alii Place  
11 1099 Alakea St., Ste. 1800  
Honolulu, HI 96813  
Phone: (808) 547-5600  
Fax: (808) 547-588012  By mail, I deposited such envelope(s) in the mail at Juneau, Alaska, with postage  
thereon fully prepaid.14 I am readily familiar with the firm's practice of collection and processing correspondence  
15 for mailing. Under that practice it would be deposited with the U.S. postal service on that same  
16 day with postage thereon fully prepaid at Juneau, Alaska, in the ordinary course of business. I  
17 am aware that on motion of the party served, service is presumed invalid if postal cancellation  
date or postage meter date is more than one day after the date of deposit for mailing in affidavit.18 By personal service, I delivered such envelope(s) by hand to the  office(s);  the court  
box of the addressee(s)..19  By facsimile, I transmitted such documents from Juneau, Alaska, to the offices of the  
addressee(s).20  By email, I transmitted such documents from Juneau, Alaska, to the email address of  
the addressee(s).22  By electronic service through the court of record's electronic service system.,23  (State) I declare under penalty of perjury under the laws of the State of Alaska  
24 that the foregoing is true and correct.25  (Federal) I declare that I am employed in the office of a member of the Bar of  
this Court, at whose direction the service was made.

26 Executed on August 22, 2006 at Juneau, Alaska..

27   
CHOATE LAW FIRM, LLC

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